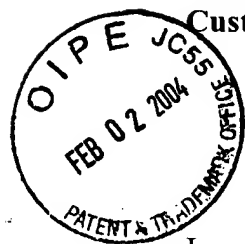


DOCKET NO. BA0446 (NORT10-00248)

PATENT

Customer No. 33000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Da-Hai Ding

Serial No. : 09/418,161

Filed : October 13, 1999

For : MULTICAST SWITCHING IN A DISTRIBUTED  
COMMUNICATION SYSTEM

Group No. : 2664

Examiner : C.G. Shah

RECEIVED  
FEB 04 2004  
OFFICE OF PETITIONS

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT IN SUPPORT OF PETITION TO REVIVE**

Applicant provides the following statements in support of Applicant's Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b):

1. On November 20, 2003, the undersigned counsel representing the Applicant first became aware of the abandonment of this application. Attached is a letter from Applicant's prior counsel dated November 14, 2003 (and received by the undersigned counsel on November 20, 2003). Accordingly, Applicant was first notified of the abandonment of the application on November 20, 2003, and thus the instant Petition For Revival is being filed within three months of the date Applicant was first notified that the application was abandoned.

2. If the Office determines that receipt of the Notice of Abandonment by the law firm previously representing Applicant is somehow chargeable as actual notification to the Applicant of the abandonment, the undersigned counsel provides the following statements evidencing the cause of any delay between the date the Applicant was first notified that the application was abandoned and the date the instant Petition For Revival was filed, and that such delay was unintentional and was reasonably necessary to determine the facts surrounding Applicant's failure to respond to the outstanding office action and to ensure that Applicant's failure was unintentional (before preparing and filing the instant Petition):

a. After receiving a copy of the Notice of Abandonment on November 20, 2003, the undersigned counsel, initiated an investigation with the Applicant's prior counsel to determine the status and handling of the outstanding office action (having mailing date 12/03/2002).

b. After completion of this investigation, the undersigned counsel forwarded the Notice of Abandonment and factual background to the Applicant, and further notified the Applicant of the requirements to revive an application unintentionally abandoned. After performing an internal investigation concerning the facts surrounding the failure to respond to the outstanding office action, the Applicant concluded that the abandonment of the application was unintentional.

c. Upon receipt of instructions from the Applicant, the undersigned counsel worked diligently to prepare the necessary documents and file the instant Petition.

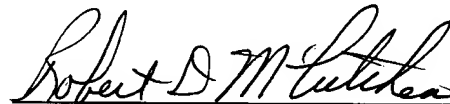
In view of the foregoing, Applicant respectfully requests the Office grant the instant Petition For Revival.

In the event the Office has questions or comments, or may request additional information, the Office is invited to telephone the undersigned attorney. The Commissioner is hereby authorized to charge any additional payment that may be due or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 1/30/2004

  
Robert D. McCutcheon  
Registration No. 38,717

P.O. Drawer 800889  
Dallas, Texas 75380  
Tel.: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [rmccutcheon@davismunck.com](mailto:rmccutcheon@davismunck.com)



#8

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
BA0446 (NORT10-00248)

First named inventor: Da-Hai Ding

Application No.: 09/418,161

Art Unit: 2664

Filed: October 13, 1999

Examiner: C.G. Shah

Title: Multicast Switching in a Distributed Communication System

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

**RECEIVED****FEB 04 2004****OFFICE OF PETITIONS**NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in  
the form of continuation application \_\_\_\_\_ (identify type of reply):**

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

**B. The issue fee of \$ \_\_\_\_\_.**

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

02/03/2004 AWONDAF1 00000136 09418161

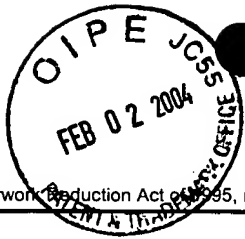
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1330.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1/30/2004  
Date

Robert D. McCutcheon  
Signature

Telephone  
Number: 972-628-3600

Robert D. McCutcheon  
Typed or printed name

P.O. Drawer 800889  
Address

Dallas, Texas 75380  
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

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OFFICE OF PETITIONS

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

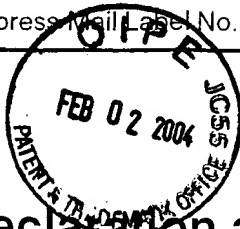
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

1/30/04  
Date

Kathy Cedor  
Signature

Kathy Cedor

Type or printed name of person signing certificate



Docket No.

2204/193

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**MULTICAST SWITCHING IN A DISTRIBUTED COMMUNICATION SYSTEM**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on October 13, 1999 as United States Application No. or PCT International Application Number 09/418,161 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

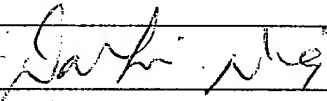
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Bruce D. Sunstein	Reg. No. 27,234	Jay Sandvos	Reg. No. 43,900
Robert M. Asher	Reg. No. 30,445	Karen A. Buchanan	Reg. No. 37,790
Timothy M. Murphy	Reg. No. 33,198	Sonia K. Guterman	Reg. No. 44,729
Steven G. Saunders	Reg. No. 36,265	Keith J. Wood	Reg. No. 45,235
Harriet M. Strimpel	Reg. No. 37,008	Mary M. Steubing	Reg. No. 37,946
Samuel J. Petuchowski	Reg. No. 37,910	Christopher J. Cianciolo	Reg. No. 42,417
Jeffrey T. Klayman	Reg. No. 39,250	Lindsay J. McGuinness	Reg. No. 38,549
John J. Stickevers	Reg. No. 39,387		
Herbert A. Newborn	Reg. No. 42,031		
Elizabeth P. Morano	Reg. No. 42,904		
Jean M. Tibbetts	Reg. No. 43,193		

Send Correspondence to: Jeffrey T. Klayman  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110

Direct Telephone Calls to: *(name and telephone number)*  
Jeffrey T. Klayman at (617) 443-9292

Full name of sole or first inventor <b>Da-Hai Ding</b>	<b>11-4-99</b>
Sole or first inventor's signature 	Date
Residence <b>10 Baker Avenue, Lexington, MA 02421</b>	
Citizenship <b>U.S.A.</b>	
Post Office Address <b>Same as residence</b>	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



Customer No. 33000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Da-Hai Ding

For : MULTICAST SWITCHING IN A DISTRIBUTED  
COMMUNICATION SYSTEM

MAIL STOP PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**STATEMENT OF NON-AUTHORIZATION TO CHARGE  
ADDITIONAL FEES WITH RESPECT TO THE CONTINUATION  
APPLICATION FILED CONCURRENTLY HEREWITH**

Dear Sir:

On January 30, 2004, a Combined Revocation of Previous Power of Attorney, Appointment of New Attorneys, and Statement Under 37 C.F.R. 3.73(b) was submitted to the United States Patent and Trademark Office in the parent application Serial No. 09/418,161. A copy of this document is enclosed herewith. By virtue of this new Power of Attorney, all previous powers of attorney were revoked by the Assignee of this application.

The filing fee for this Continuation Application is not authorized to be charged to any deposit account.

Respectfully submitted,

DAVIS MUNCK, P.C.

Robert D. McCutcheon  
Registration No. 38,717

Date: 1/30/2004  
P.O. Drawer 800889  
Dallas, Texas 75380  
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email: [rmccutcheon@davismunck.com](mailto:rmccutcheon@davismunck.com)